IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.762 of 2005

Between:

M. Purushottam Naidu, S/o. Suryanarayana,
Aged about 42years, Vice-President, District Congress Committee,
Pedduru Village, Gangubilli Mandal,
Vijayanagaram District.

..... PETITIONER

AND

1 The A.P. Khadi and Village Industries Board,
rep. by its Managing Director,
Masab Tank, Hyderabad.
2 Government of Andhra Pradesh, Rep. by its Secretary,
Industries Department, Secretariat, Hyderabad.
3 M. Sivu Naidu, S/o. Balaram Naidu,
R/o. 27-2-27, Goods Shed Road, Parvathipuram Town and Mandal,
Vijayanagaram District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondent No.1 and 2 in appointing the 3rd respondent as Chairman of the 1st respondent board as highly illegal, arbitrary and violative of articles 14 and 16 of the Constitution of India and restrain the

respondents from proceeding further in pursuance of the said appointment and pass such other relief or reliefs.

Counsel for the Petitioner : Sri B.S.S.PRASAD (Not Present)

Counsel for the Respondents : Sri V.T.M.PRASAD

Sri C.V.Mohan Reddy

Govt. Pleader for Industries & Commerce

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

None appears for the petitioner. Heard learned counsel appearing for respondents. Petition is purported to have been filed as public interest litigation by M.Purusottam Naidu, Resident of Pedduru village, Gangubilli Mandal, Vizianagaram district, under Parvathipuram Assembly Constituency, claiming himself to be Vice-President of the District Congress Committee. He has questioned the appointment of third respondent as Chairman of the first respondent Board. It is alleged that there is Ravivalasa Primary Agricultural Cooperative Society, which is in the village of third respondent, and third respondent being the President of the Society committed malpractices and misappropriation of funds thereby huge loss was caused to the Society. Further allegation is that a complaint before

Upa Lokayukta in the year 2000 was filed making serious allegations against him in managing the affairs of the said Primary Agricultural Cooperative Society. After calling for his explanation, the Registrar was directed to conduct enquiry and take necessary action. It is stated that proceedings under Section 60 of A.P. Cooperative Societies Act, 1964 had been recommended against him, and therefore, third

respondent is not a person fit and competent to be appointed as Chairman of the first respondent Board. There are certain other personal allegations against third respondent, which we need not go into in these proceedings.

When the writ petition came up before the Division Bench on 28th January, 2005, we asked the learned counsel for the petitioner to satisfy us as to how respondent No.3 suffers any disqualification when statute does not prohibit him from appointment as Chairman of the Khadi and Village Industries board. Twice thereafter, adjournment was obtained, but today also there is no representation on behalf of the petitioner.

There is no statutory bar against appointment of third respondent as Chairman of the first respondent Board. Maybe that recommendation for taking steps to make enquiry under

A.P. Cooperative Societies Act into the affairs of the Society run by third respondent had been made. But, in the absence of any statutory bar, the very filing of the representation is mala fide on the part of the petitioner to settle some other political scores as can be seen from the averments made in the petition. Writ Petition also being mala fide, we dismiss the writ petition with costs quantified at Rs.10,000/- (Rupees ten thousand only) to be deposited with the A.P. State Legal Services Authority, High Court buildings, Hyderabad.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

14-02-2005

bsc

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Managing Director,
The A.P. Khadi and Village Industries Board,
Masab Tank, Hyderabad.
2 The Secretary, Industries Department, Government of Andhra Pradesh,

Secretariat, Hyderabad.

3 M. Sivu Naidu, S/o. Balaram Naidu,
R/o. 27-2-27, Goods Shed Road, Parvathipuram Town and Mandal,
Vijayanagaram District.

4) 2 CCs to Govt. Pleader for Industries & Commerce, High court

buildings, Hyderabad (OUT)

5) 2 CD copies

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